

COVER SHEET

Civil Case Filing Form

(To be completed by Attorney/Party
Prior to Filing of Pleading)

Court Identification Docket #

30 00 00

County # Judicial District Court ID
(CH, CI, CO)

05/19/21

Month Date Year

This area to be completed by clerk

Filed Case Year

2021

Docket Number

20563

Local Docket ID

Mississippi Supreme Court

Form AOC/01

Administrative Office of Courts

(Rev 2020)

Case Number if filed prior to 1/1/94

In the County Court of Jackson County - --- Judicial District

Origin of Suit (Place an "X" in one box only)

- ☒ Initial Filing ☐ Reinstated ☐ Foreign Judgment Enrolled ☐ Transfer from Other court ☐ Other
☐ Remanded ☐ Reopened ☐ Joining Suit/Action ☐ Appeal

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual Beiste Constance Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV

Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of

Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:

D/B/A or Agency

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:

D/B/A

Address of Plaintiff 3631 Hemlock, Moss Point, MS 39563Attorney (Name & Address) 3310 Pascagoula St. Pascagoula, MS 39567 MS Bar No. 100783

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing: Matthew Lott

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IV

Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of

Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:

D/B/A or Agency

Business

Wal-Mart Stores East, L.P.

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:

D/B/A

Attorney (Name & Address) - If Known

MS Bar No.

Check (x) if child support is contemplated as an issue in this suit.*

*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

- Domestic Relations**
- ☐ Child Custody/Visitation
☐ Child Support
☐ Contempt
☐ Divorce: Fault
☐ Divorce: Irreconcilable Diff.
☐ Domestic Abuse
☐ Emancipation
☐ Modification
☐ Paternity
☐ Property Division
☐ Separate Maintenance
☐ Term. of Parental Rights-Chancery
☐ UIFSA (eff 7/1/97; formerly URESA)
☐ Other
- Appeals**
- ☐ Administrative Agency
☐ County Court
☐ Hardship Petition (Driver License)
☐ Justice Court
☐ MS Dept Employment Security
☐ Municipal Court
☐ Other

- Business/Commercial**
- ☐ Accounting (Business)
☐ Business Dissolution
☐ Debt Collection
☐ Employment
☐ Foreign Judgment
☐ Garnishment
☐ Replevin
☐ Other
- Probate**
- ☐ Accounting (Probate)
☐ Birth Certificate Correction
☐ Mental Health Commitment
☐ Conservatorship
☐ Guardianship
☐ Joint Conservatorship & Guardianship
☐ Heirship
☐ Intestate Estate
☐ Minor's Settlement
☐ Muniment of Title
☐ Name Change
☐ Testate Estate
☐ Will Contest
☐ Alcohol/Drug Commitment (involuntary)

- ☐ Alcohol/Drug Commitment (voluntary)
☐ Other
- Children/Minors - Non-Domestic**
- ☐ Adoption - Contested
☐ Adoption - Uncontested
☐ Consent to Abortion
☐ Minor Removal of Minority
☐ Other
- Civil Rights**
- ☐ Elections
☐ Expungement
☐ Habeas Corpus
☐ Post Conviction Relief/Prisoner
☐ Other
- Contract**
- ☐ Breach of Contract
☐ Installment Contract
☐ Insurance
☐ Specific Performance
☐ Other
- Statutes/Rules**
- ☐ Bond Validation
☐ Civil Forfeiture
☐ Declaratory Judgment
☐ Injunction or Restraining Order
☐ Other

Real Property

- ☐ Adverse Possession
☐ Ejectment
☐ Eminent Domain
☐ Eviction
☐ Judicial Foreclosure
☐ Lien Assertion
☐ Partition
☐ Tax Sale: Confirm/Cancel
☐ Title Boundary or Easement
☐ Other

Torts

- ☐ Bad Faith
☐ Fraud
☐ Intentional Tort
☐ Loss of Consortium
☐ Malpractice - Legal
☐ Malpractice - Medical
☐ Mass Tort
☐ Negligence - General
☐ Negligence - Motor Vehicle
☒ Premises Liability

DEFENDANT'S
EXHIBIT

A

COUNTY - CIVIL

HANDED ☒

CASE NO. 20563

MAILED

Document Date

Filed 05/19/2021

Page 2 of 2

MAY 19

2021

Received Of

WATKINS

Cause No.

2021-20563

For: Clerk's Fees	\$85.00
JSO Fund	\$40.00
Steno Tax	\$10.00
Jury Tax	\$3.00
Law Library	\$2.50
SCEF	\$2.00
Court Adm. Fund	\$2.00
CECSF	\$10.00
CLAF	\$5.00
SCCF	\$0.50
RM FEE	\$1.00
Copy of Summons Return	
Other Advance Cost	
TOTAL	\$141.00

Total

Amount Paid \$

141.00

Check

No.

2011

For

Complaint

RANDY CARNEY

CLERK OF JACKSON COUNTY

By

Randy Carney

DEPUTY CLERK

Other Advance Cost

141.00

TOTAL

141.00

IN THE COUNTY COURT OF JACKSON COUNTY, MISSISSIPPI

CONSTANCE BATISTE

FILED

PLAINTIFF

VS.

MAY 19 2021

CAUSE NO.: 2021-20563

WAL-MART STORES EAST, L.P.

RANDY CARNEY, CLERK
BY _____ D.C.

DEFENDANT

COMPLAINT

JURY TRIAL REQUESTED

COMES NOW, Constance Batiste (hereinafter "Plaintiff" or "Ms. Batiste"), by and through counsel of record, Lott Law Firm, and files this Complaint against Defendant, Wal-Mart Stores East, L.P. (hereinafter "Wal-Mart" and/or "Defendant"), and in support thereof, states as follows:

I. Parties

1. Plaintiff, Constance Batiste, is an adult citizen of Jackson County, Mississippi, currently residing at 3631 Hemlock Ave., Moss Point, MS 39563.

2. Defendant, Wal-Mart Stores East, L.P. is a foreign corporation, incorporated under the laws of Delaware. The registered agent for this corporation is CT Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232. Wal-Mart Stores East, L.P. owns and/or operates the Wal-Mart Supercenter located in Pascagoula, Mississippi.

II. Jurisdiction and Venue

3. Pursuant to Miss. Code Ann. § 9-7-81, et seq., jurisdiction is appropriate in the County Court of Jackson County, Mississippi as this action is civil in nature and within the applicable limits of alleged damages.

Case: 30CO1:21-cv-20563-MW Document #: 2 Filed: 05/19/2021 Page 2 of 4

4. Pursuant to Miss. Code Ann. § 11-11-3, venue is proper in the County Court of Jackson County, Mississippi as a substantial act or omission giving rise to the claims asserted below occurred in Jackson County, Mississippi.

III. Factual Allegations

5. Plaintiff re-alleges and incorporate by reference the allegations of paragraphs 1 through 4 as though fully set forth herein.

6. On or about October of 2020, Plaintiff was shopping at the Wal-Mart Supercenter located in Pascagoula, Mississippi. Ms. Batiste went into the store for normal shopping when she checked out and exited the building the automatic doors closed on her causing injury to her shoulder and arm. To extricate herself, the Plaintiff had to push on the door to reopen further injuring her arm and shoulder. Ms. Batiste's injuries are a direct result of Wal-Mart failing to adhere to their legal duty under the premises liability laws, wherein they are required to exercise reasonable or ordinary care to keep the premises in a reasonably safe condition or warn of dangerous conditions not readily apparent, which owner or occupant knows of, or should know of in the exercise of reasonable care.

7. The store was clearly open for business and employees and the doors did not operate in a proper manner.

8. Ms. Batiste also assumed that the door was free of defects.

9. After Ms. Batiste was slammed by the door, she immediately experienced severe and traumatic shoulder and arm pain resulting in nerve damage. Ms. Batiste has been treating with her physicians and is slowly recovering from her injuries but may never be able to fully recover to her pre-injury condition. This injury has severely affected her day to day living and ability to

perform tasks.

10. Wal-Mart employees were aware of the hazards and/or should have been aware of the hazard and failed to correct it.

12. Ms. Batiste filed a claim and Wal-Mart responded by stating they are not responsible for her injuries.

IV. Count I Negligence

13. Defendant owed a duty to Ms. Batiste to keep its premises in a reasonably safe condition and to warn of dangerous conditions which were not readily apparent. The condition was not readily apparent.

14. Wal-Mart either created or had actual and/or constructive knowledge of the dangerous condition which proximately caused Ms. Batiste's injuries.

15. In not warning Ms. Batiste of the dangerous condition, Wal-Mart breached its duty to the Plaintiff.

16. As a result of the breach, Ms. Batiste suffered severe injuries which has or will result in medical intervention and therapy.

17. Therefore, Wal-Mart is liable for those damages proximately caused by the breach of its duty as a premise owner and/or operator.

V. Damages

18. As a direct result of Defendant's negligence, Ms. Batiste has incurred the following damages:

- A. Severe injuries to her shoulder and arm;
- B. Medical expenses associated with her injuries;

Case: 30CO1:21-cv-20563-MW Document #: 2 Filed: 05/19/2021 Page 4 of 4

- C. Mental anguish and emotional distress;
- D. Pain and suffering;
- E. Permanent disability;
- F. Loss of enjoyment of life;
- G. Future medical expenses;
- H. Inability to perform job and home duties resulting in lost wages and household services.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff demands judgment against the Defendant as outlined above in the amount not less than \$75,000.00, in addition to reasonable attorney's fees, court costs, pre- and post-judgment interest, and expenses associated with commencement and prosecution of this action.

This the 9th day of May, 2021.

CONSTANCE BATISTE

By and through counsel of record:



Matthew S. Lott (MSB #100783)
The Lott Law Firm
3318 Pascagoula St.
P.O. Box 1708
Pascagoula, MS 39568
Ph. 228-215-2787
Fax: 228-284-1893
matt@mattlottlaw.com

Case: 30CO1:21-cv-20563-MW Document #: 3 Filed: 05/19/2021 Page 1 of 1

IN THE COUNTY COURT OF JACKSON COUNTY, MISSISSIPPI

CONSTANCE BATISTE

PLAINTIFF

VS.

CAUSE NO.: 2021-20563

WAL-MART STORES EAST, L.P.

DEFENDANT

STATE OF MISSISSIPPI

COUNTY OF JACKSON

RULE 4 SUMMONS

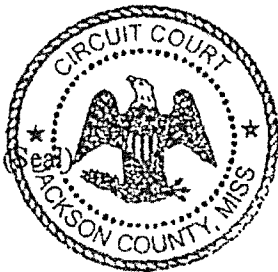
TO: WAL-MART STORES EAST, L.P.
by and through their Registered Agent
CT Corporation System
645 Lakeland East Drive, Suite 101
Flowood, Mississippi 39232

NOTICE TO DEFENDANT

**THE COMPLAINT ATTACHED TO THIS SUMMONS
IS IMPORTANT AND YOU MUST TAKE IMMEDIATE
ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand deliver a copy of a written response to the Complaint to MATTHEW S. LOTT, with the LOTT LAW FIRM, P. O. BOX 1708, PASCAGOULA, MS 39568. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgment of default will be entered against you for the money or other things demanded in the complaint. You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court this the 19th day of MAY, 2021.



Cheryl Shibe DC
RANDY CARNEY
Circuit Clerk of Jackson County, Mississippi
P.O. Box 998
Pascagoula, MS 39568

PROOF OF SERVICE

Case: 2021-20563	Court: COUNTY COURT OF JACKSON COUNTY, MISSISSIPPI	County: JACKSON	Job: 5699618 (Batiste v. Walmart)
Plaintiff / Petitioner: CONSTANCE BATISTE		Defendant / Respondent: WAL-MART STORES EAST, L.P.	
Received by: Quantum Process, LLC		For: Lott Law Firm	
To be served upon: WAL-MART STORES EAST, L.P. c/o CT Corporation System, Registered Agent			

WAL-MART STORES EAST, L.P. c/o CT Corporation System, Registered Agent Name of Person or Entity Served
I, Terry Keith, served the RULE 4 SUMMONS AND COMPLAINT upon the person or entity named above in the manner set forth below:

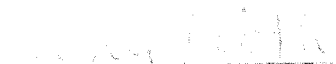
PERSONAL SERVICE. I personally delivered copies to Matt Thibodeaux, Legal Assistant, on May 21, 2021 at 9:54 am, where I found said person(s) in the County of RANKIN MS.

Address where served: 645 LAKELAND EAST DR, STE 101, CROWWOOD, MS 39232


At the time of service I was at least 18 years of age and not a party to this action.

Personally appeared before me the undersigned authority in and for the state of County aforesaid, the within named Terry Keith who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service" are true and correct as therein stated.

Adopted effective March 1, 1985; amended effective May 2, 1985; amended March 17th 1995.


Terry Keith
05/21/2021
Date

Quantum Process, LLC
418 Pittman Rd.
Ellisville, MS 39437
(601)800-2004

State of MS
County of JONES
Subscribed and sworn to before me, a notary public

Notary Public
Commission Expires

ID: 5699618
Client Reference: Batiste v. Walmart

IN THE COUNTY COURT OF JACKSON COUNTY, MISSISSIPPI

CONSTANCE BATISTE

PLAINTIFF

VS.

CAUSE NO.: 2021-20563

WAL-MART STORES EAST, L.P.

DEFENDANT

STATE OF MISSISSIPPI

COUNTY OF JACKSON

RULE 4 SUMMONS

TO: WAL-MART STORES EAST, L.P.

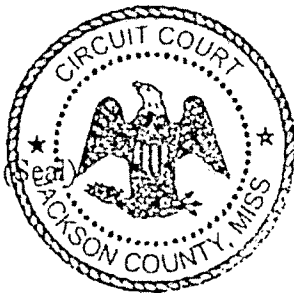
by and through their Registered Agent
CT Corporation System
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Issued under my hand and the seal of said Court this the 19th day of MAY, 2021.



Cheryl Carney DC
RANDY CARNEY
Circuit Clerk of Jackson County, Mississippi
P.O. Box 998
Pascagoula, MS 39568

IN THE COUNTY COURT OF JACKSON COUNTY, MISSISSIPPI

CONSTANCE BATISTE

FILED

PLAINTIFF

VS.

MAY 19 2021

CAUSE NO.: 2021-20563

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RANDY CARNEY, CLERK
D.C.

DEFENDANT

BY _____

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perform tasks.

10. Wal-Mart employees were aware of the hazards and/or should have been aware of the hazard and failed to correct it.

12. Ms. Batiste filed a claim and Wal-Mart responded by stating they are not responsible for her injuries.

IV. Count 1 Negligence

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15. In not warning Ms. Batiste of the dangerous condition, Wal-Mart breached its duty to the Plaintiff.

16. As a result of the breach, Ms. Batiste suffered severe injuries which has or will result in medical intervention and therapy.

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V. Damages

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- G. Future medical expenses;
- H. Inability to perform job and home duties resulting in lost wages and household services.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff demands judgment against the Defendant as outlined above in the amount not less than \$75,000.00, in addition to reasonable attorney's fees, court costs, pre- and post-judgment interest, and expenses associated with commencement and prosecution of this action.

This the 17th day of May, 2021.

CONSTANCE BATISTE

By and through counsel of record:



Matthew S. Lott (MSB #100783)

The Lott Law Firm

3318 Pascagoula St.

P.O. Box 1708

Pascagoula, MS 39568

Ph. 228-215-2787

Fax: 228-284-1893

matt@mattlottlaw.com